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LITIGATION DEPARTMENT OF THE YEAR

Fanning Harper Martinson Brandt & Kutchin

FINALIST, SMALL FIRM CATEGORY



Lawyers seated from left: John Husted, member; Caroline Sileo, associate; Laura O'Leary, member; and Steve Henninger, member. Standing from left are: John Roehm, member; Tom Brandt, director; and Frank Valenzuela, member.

BY MARY ALICE SALMON

LED BY THOMAS P. BRANDT, LAW-

yers at Fanning Harper Martinson Brandt & Kutchin in Dallas defeated a suit brought by an Internet celebrity, won a case deemed unwinnable and beat an opponent believed to be unbeatable. All that happened in 2016 and 2017. Brandt, an FHMBK director, said the emphasis is on teamwork when a new case comes in the door.

“When we talk about teamwork, it’s not just a phrase; it’s truly how we practice,” he said.

“We’re all working together to think out strategy,” said FHMBK member Laura O’Leary.

O’Leary was on Brandt’s team that defended the city of Irving against claims of civil rights violations in *Mohamed Elhassan Mohamed v. Irving Independent School District, et al.*, filed in U.S. District Court for the Northern District of Texas. The suit focused on a Sudanese immigrant dubbed “Clock Boy” after police arrested him for allegedly possessing a hoax bomb at school—a device he said was a clock. The charge was dropped, but IISD suspended the boy for three days. He was invited to the White House when his story went viral.

In May 2017, a judge dismissed the suit but allowed the plaintiff to file an amended petition, which was dismissed.

FHMBK also won a significant victory for the city of Dallas in a First and Fourteenth Amendment case stemming from passage of a resolution barring the city manager from contracting for the use of its convention center for what the event promoter described as a convention “with erotic, but non-obscene messages.” The promoter filed *Three Expo Events v. the City of Dallas* in Dallas federal court, citing cases that the promoter argued supported its position on free speech.

“It was universally perceived to be an unwinnable case,” Brandt said.

In 2016, FHMBK defeated the promoter’s motion for a preliminary injunction after the court determined the facility constituted a limited public forum. The judge dismissed the suit in May 2017, holding that Three Expo lacked standing to sue the city for alleged violation of its First Amendment rights because it never intended to enter into the contract to lease space at the center.

“How could it suffer injury if it never intended to do something?” asked Francisco Valenzuela, another member of the firm who worked with Brandt on Three Expo.

Three Expo appealed to the U.S. Court of Appeals for the Fifth Circuit, which heard arguments in March 2018.

In March 2017, FHMBK won a jury verdict favoring Lewisville Independent School District in a suit brought under Title IX in which a teen-age girl alleged that the district discriminated against her because of her gender by not responding properly to her claim that she was sexually assaulted at an off-campus party and bullied afterwards. The girl also brought a retaliation claim under Title IX, alleging that the district retaliated against her for making the report.

A judge granted LISD’s motion for summary judgment on the discrimination claim. A jury heard the retaliation claim, returning a unanimous verdict for LISD in March 2017. FHMBK member Stephen Henninger said the retaliation claim was interesting because there are not a lot of reported decisions on Title IX retaliation claims.

“There were a lot of unknown factors,” he said. ■